

CHAPTER 12. DEFINITIONS

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Article 12.1. General

Sec. 12.1.1. General Meaning of Words and Terms

- A. All words and terms used have their commonly accepted and ordinary meaning unless they are specifically defined in this UDO or the context in which they are used clearly indicates to the contrary.
- B. In the absence of court decisions or Board of Adjustment decisions specifically interpreting a provision in question, specific definitions listed this UDO, or previous interpretations of a provision by the Planning and Development Officer, the meaning of provisions shall be based on the following general hierarchy of sources:
 - 1. For a legal term, definitions in a legal dictionary, or if not a legal term, definitions in an ordinary dictionary.
 - 2. Statements of the purpose and intent of particular sections, or background reports and studies adopted or referred to in this UDO, although such documents cannot overrule a specific code provision.
 - 3. Minutes of discussions of legislative or advisory bodies considering adoption of the provision in question.
 - 4. Definitions of similar terms contained in federal and state statutes and regulations.
 - 5. Ordinary rules of grammar.
- C. When vagueness or ambiguity is found to exist as to the meaning of any word or term used, any appropriate canon, maxim, principle or other technical rule of interpretations or construction used by the courts of this state may be employed to resolve vagueness and ambiguity in language.

Sec. 12.1.2. Graphics, Illustrations, Photographs & Flowcharts

The graphics, illustrations, photographs and flowcharts used to visually explain certain provisions of this UDO are for illustrative purposes only. Where there is a conflict between a graphic, illustration, photograph or flowchart and the text of this UDO, the text of this UDO controls.

Sec. 12.1.3. Abbreviations

- A. BFE: Base Flood Elevation
- B. DBH: Diameter at Breast Height
- C. FAA: Federal Aviation Administration
- D. FC: Footcandle
- E. FEMA: Federal Emergency Management Agency
- F. FIRM: Flood Insurance Rate Map

Article 12.2. Defined Terms

a

Accessory Structure or Use

Any structure or use subordinate in both purpose and size that is incidental to and customarily associated with any principal structure or principal use that is located on the same lot.

Accelerated Erosion

Accelerated erosion means any increase over the rate of natural erosion which results from land-disturbing activities.

Active Tree Preservation

Arboricultural practices designed to ensure survival of existing trees by the protection of critical root zones from tree disturbing activities and the application of one or more arboricultural maintenance procedures, including but not limited to: watering, fertilizing, pruning of trees, pruning of roots, and aeration.

Addition

Addition (to an existing building) means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is "new construction."

Adequate Erosion Control Measure

Any structure, device, or measure which controls accelerated erosion, retains stormwater and prevents off-site sedimentation.

Adult Cabaret

Any place which features topless dancers, go-go dancers, strippers, male or female impersonators, or similar entertainers.

Adult Establishment

Adult cabarets, adult media centers, sadomasochism centers, and any place contained in N.C. Gen. Stat. §14-202-10(b), excluding masseurs.

Adult Media Center

Any place:

1. Which receives a majority of its gross income during any calendar month from the sale, rental, or both of books, periodicals, magazines, videotapes, CD-ROM, computer software, movies, and other products offered in photographic, print, electronic, magnetic, or digital or other imaging medium which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "specified anatomical areas" as defined in N.C. Gen. Stat. §14-202.10(10), or "specified sexual activities" as defined in N.C. Gen. Stat. §14-202.10(11); or "sexually oriented devices" as defined in N.C. Gen. Stat. §14-202.10(9), or any combination thereof; or
2. Having as a preponderance of its books, periodicals, magazines, videotapes, CD-ROM, computer software, movies, and other products offered in photographic, print, electronic, magnetic, or digital or other imaging medium which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "specified anatomical areas" as defined in N.C. Gen. Stat. §14-202.10(10), or "specified sexual activities" as defined in N.C. Gen. Stat. §14-202.10(11); or "sexually oriented devices" as defined in G.S. 14-202.10(9), or any combination thereof.

Affected Area

An area which will potentially suffer special damages, distinct from the rest of the community, by the determination of a quasi-judicial body. The boundaries of an affected area will vary depending on the particular subject matter to be decided by the quasi-judicial body.

Affordable Housing

Housing that is affordable to families with an annual household income of no greater than 80% of area median income, adjusted for household size, according to the then-current income limits established by the United States Department of Housing and Urban Development in accordance with Section 3 of the U.S. Housing Act of 1937, as amended (42 U.S.C. 1437 et seq.), or any successor legislation.

b

Banner

Any sign, except an awning sign, made of flexible, fabric-like material.

Basal Area

The total cross sectional area, stated in square feet per acre, of trees in a wooded area measured at 4½ feet above ground level.

Base Flood Elevation (BFE)

A determination of the water surface elevations of the base flood based on current conditions hydrology or future conditions hydrology as published in the flood insurance study. When the BFE has not been provided in a flood hazard area, it may be obtained from engineering studies available from a Federal or State other source using FEMA approved engineering methodologies. This elevation, when combined with two additional vertical feet establishes the regulatory flood protection elevation in flood hazard areas.

Base Flood

The flood having a one percent chance of being equaled or exceeded in any given year.

Basement

Basement means any area of the building having its floor subgrade (below grade level) on all sides.

Being Conducted

A land-disturbing activity has been initiated and permanent stabilization of the site has not been completed.

Block

An area of land enclosed by streets and occupied by or intended for buildings.

Building Facade

The face of a building that delineates the edge of conditioned floor space.

c

Casualty

Damage or destruction which is caused by the exercise of the power of eminent domain; man-made acts, such as riot, fire, accident, explosion; or flood, lightning, wind, or other calamity or act of nature.

Champion Tree

Any tree listed as the champion or co-champion of its species, either on the "National Big Tree" list as compiled by the American Forestry Association or on the "Champion Big Trees of North Carolina" list as compiled by the North Carolina Division of Forest Resources, or on the "Capital Trees Program" list as compiled by Wake County Keep America Beautiful.

Charitable Institution

Establishments that are primarily engaged in administration of programs of financial assistance, training, counseling, and other services to individuals or organizations, but not providing housing or shelter.

Civic Club

A not for profit club for civic, social or fraternal purposes operated by a civic, social or fraternal organization, including offices for local, state and regional officials, not including a political party club.

Convention Center, Arena

A place of assembly that charges for meeting or exhibition areas, and such areas either contain North Carolina Building Code occupancy limits of more than 800 people or have meeting and exhibition areas that total more than 12,000 square feet.

Closed Fence or Wall

A fence or wall which has no openings and contains shiplap, or tongue and groove or similar overlapping design if made of wood.

Completion of Construction or Development

Completion of construction or development means that no further land-disturbing activity is required on a phase of a project except that which is necessary for establishing a permanent ground cover.

Conservation Development

A development that trades smaller lot sizes (with smaller yards) and additional density in exchange for protecting a significant amount of open space. This allows more efficient layout of lots, streets, and utilities, promotes a mixture of housing, and protects the character of the area through the preservation of open space, recreation areas, environmental features and scenic vistas.

Comprehensive Plan

Refers to the The 2030 Comprehensive Plan (latest addition) for the City of Raleigh.

Congregate Care

A facility providing housing, part-time medical care, shared food preparation and dining areas, and recreation facilities, as well as significant social facilities to meet the needs of the elderly. Includes assisted living facility, independent living facility, life care community and rest home.

Construction Sign

Any temporary sign erected during construction which may indicate the project name and the names of architects, contractors, subcontractors, developers, rental agencies, financial institutions, or other principals involved in the sponsorship, design, and construction of a structure or project.

Copy

The wording or pictorial graphics on a sign surface either in permanent or removal form.

Copy (Area of)

The square or rectangular area which fully encloses the extreme limits of the message, copy, announcement or decoration on a sign.

Corner Lot

A lot of that has least two intersecting sides that abut for their full length a street.

Critical Root Zone

The area uniformly encompassed by a circle with a radius equal to $1\frac{1}{4}$ per inch of DBH tree trunk of the preserved tree measured at $4\frac{1}{2}$ feet above the ground (measured to the nearest inch), with the trunk of the tree at the center of the circle.

Current Conditions Hydrology

The flood discharges associated with the land-use conditions existing within

the drainage area of a watercourse at the time a flood study of the watercourse was conducted. Current conditions flood discharges and historical flood study information published in the flood insurance study.

Cutoff Fixture

An outdoor light fixture shielded or constructed in such a manner that no more than $2\frac{1}{2}\%$ of the total light emitted by the fixture is projected above the horizontal plane of the fixture.

d

Developer

[insert from Chapter 3 of Part 10]

Diameter at Breast Height (DBH)

The diameter of the stem of a single-stem tree measured at $4\frac{1}{2}$ feet (breast height) above grade level, or the total diameter of all stems of a multi-stemmed tree measured at $4\frac{1}{2}$ feet above grade.

Discharge Point

That point at which runoff leaves a tract of land.

Display Area

An outdoor open air area where merchandise is stored throughout the day and the night and this same stored merchandise is sold or leased, not including the display area for any motor vehicle, trailer or semi-trailer (see vehicular display area).

Drainage Basin Study Maps

Flood hazard boundary maps adopted by the City. Floodplain areas and the base flood elevations shown on drainage basin study maps are based on future conditions hydrology.

Dwelling Unit

A building, or portion of a building, providing complete and permanent living facilities, including cooking and bathing facilities.

e

Elevated Building

An above-ground building: built to have the top of the elevated floor above the ground by means of pilings, columns (posts and piers), shear walls parallel to the flow of water; and adequately anchored so as not to impair the structural integrity of the building during a flood up to the magnitude of the base flood. Elevated building also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwaters.

Energy Dissipator

An adequate erosion control measure placed at the outlets of storm drainage facilities or at other points as specified by this chapter to receive and breakdown the energy from high velocity flow.

Ephemeral (Stormwater) Stream

A feature that carries only stormwater in direct response to precipitation with waters flowing only during and shortly after large precipitation events. An ephemeral stream may or may not have a well-defined channel, the aquatic bed is always above the water table, and stormwater runoff is the primary source of water. An ephemeral stream typically lacks the biological, hydrological, and physical characteristics commonly associated with the continuous or intermittent conveyance of water.

Equivalent Dwelling Unit

Any room or rooms not provided with cooking facilities or bathroom facilities, or both, occupied by up to four persons within a rooming house, fraternity, sorority, bed and breakfast inn, orphanage, convent, monastery, rest home or any residence, however styled, is equivalent to a dwelling unit. Family care, family group, group homes, hotels without dwelling units, hospitals, recreational campgrounds for park visitors, dormitories as an accessory use to a school, emergency shelters, penal institutions, and military barracks are not equivalent dwelling units.

Erosion

The wearing away of the land surface by the action of wind, water, gravity or any combination of.

Exterior Features

Important landscape and natural features, significant archaeological features, the architectural style, general design, and general arrangement of the exterior of a

building or other structure, including the kind and texture of the building material, the size, color and scale of the building, and the type, color, style of all windows, doors, light fixtures, signs, and other appurtenant fixtures. In the case of outdoor signs, exterior features shall be construed to mean style, material, size, color and location of all such signs.

f

Face of Sign (Sign Face)

The entire surface area of a sign upon, against, or through which copy is placed.

Flashing Sign

Any sign which contains an intermittent, blinking, scintillating or flashing light source, or which includes the illusion of intermittent or flashing light, or an externally mounted intermittent light source.

Flood Lamp

A form of lighting designed to direct its output in a specific direction with a reflector formed from the glass envelope of the lamp itself. Such lamps are so designated by the manufacturers and are typically used in residential outdoor area lighting.

Flood Light

A form of lighting designed to direct its output in a diffuse, more or less specific direction, with reflecting or refracting elements located external to the lamp.

Flood or Flooding

The general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of streams, rivers, or other inland water.

Flood Hazard Boundary Map

The official map of the city on which appears a description of the boundaries of flood (plain), (prone), (hazard) areas, including representations of the floodway, floodway fringe, future conditions flood hazard areas, applicable to the community within the corporate limits and within the extraterritorial jurisdiction of the City. The flood hazard boundary map(s) consist of flood insurance rate maps and drainage basin study maps, flood hazard soils plus additional distances required in this UDO and recorded flood storage areas required by this UDO. The floodway areas, floodway fringe areas, and future conditions flood hazard areas shown and illustrated on floodway hazard boundary maps are hereby adopted as official

flood hazard boundary maps and floodway maps for the city and extraterritorial jurisdiction of the city. These maps and other data are hereby incorporated herein by reference and duly made a part of this chapter. The most recent maps and data officially approved by the City Council are identified in the evidence of the Council's action and are kept on file in the Inspections Department for public inspection.

Flood Hazard Soils

Occurring flood hazard soils are those types of soils in the relatively flat areas of natural watercourses which are subject to periodic flooding. The types of soils and their corresponding symbols are as follows:

Name	Map Symbol
Altavista fine sandy loam, 0 to 4 per cent slopes	AfA
Augusta fine sandy loam	Au
Buncombe soils	Bu
Chewacla soils	Cm
Congaree fine sandy loam	Co
Congaree silt loam	Cp
Mantachie soils	Me
Roanoke fine sandy loam	Ro
Wahee fine sandy loam	Wh
Wehadkee silt loam	Wn
Wehadkee and Bibb soils	Wo

Flood Insurance Rate Map (FIRM)

An official map of the city on which appears a description of the boundaries of floodplain, floodprone and flood hazard areas, including representations of the floodway, floodway fringe, future conditions flood hazard areas, and a delineation of the risk premium zones applicable to the community within the corporate limits and within the extraterritorial jurisdiction of the City. The flood insurance study, Wake County, Federal Emergency Management Agency, latest publication, consisting of (i) flood insurance rate maps, and (ii) other pertinent data furnished by the Federal Emergency Management Agency (FEMA) and the U.S. Army Corps of Engineers, to the City, showing and illustrating floodway areas, floodway fringe areas, and future conditions flood hazard areas are hereby adopted as official flood hazard boundary

maps and floodway maps for the City and extraterritorial jurisdiction of the City. These maps and other data are hereby incorporated herein by reference and duly made a part of this UDO. The most recent maps and data officially approved by the City Council are identified in the evidence of the City Council's action and are kept on file in the Planning and Development Department for public inspection.

Flood Insurance Study

An examination, evaluation, and determination of flood hazards, corresponding water surface elevations (if appropriate), flood hazard risk zones and other flood data in a community issued by the Federal Emergency Management Agency. The flood insurance study report includes flood insurance rate maps (FIRM).

Floodplain, Floodprone or Flood Hazard Area

Maximum area, adjoining a river, stream, watercourse, or lake which is likely to be flooded, by the base flood or the future conditions flood. The floodplain (prone) (hazard) area includes "floodway" areas, "floodway fringe" areas and future conditions flood hazard areas. These areas are illustrated on flood hazard boundary maps, flood hazard soils plus additional distances, recorded flood storage areas required by this UDO, and drainage basin study maps.

Floodproofing

Any combination of structural and nonstructural features, additions, changes or adjustments to properties and structures in accordance with or comparable to guidelines set forth in "Floodproofing Regulations" June 1972 edition, published by the Office of the Chief Engineers U.S. Army, Washington, D.C. for an essentially dry floodproof class (W2).

Floodway

That portion of channels of streams and areas of land adjacent \ within the city and its extraterritorial jurisdiction, necessary to carry and discharge the waters of the base flood without increasing the water surface elevation of that flood more than one foot at any point and illustrated on the maps referred to in the definition of flood hazard boundary map, and those areas adjoining watercourses draining one

square mile or more of watershed which lie within the outermost boundaries of either the flood hazard soils or the made land which traverse such soils lying along said watercourses and either those areas required by this UDO to be delineated as flood storage areas, or are delineated as a floodprone area on the drainage basin study maps.

Floodway Fringe

That portion of the flood (plain), (prone), (hazard), area outside the floodway, and illustrated on the map referred to in the definition of flood hazard boundary map above. The floodway fringe for watercourses not defined on maps referred to in the definition of flood hazard boundary map above are herein defined for those areas adjoining watercourses draining less than one square mile of watershed as the flood hazard soils plus two additional vertical feet from the outermost boundaries of either said soils or the made land which traverse such soils lying along said watercourses, and the floodway fringe for those areas adjoining watercourses one square mile or more is defined as lands which lie five vertical feet from the outermost boundaries of either the flood hazard soils or the made land which traverse such soils lying along the watercourse.

Footcandle (FC)

A quantitative unit measuring the amount of light cast onto a given point, measured as one lumen per square foot.

Forestry, General

A woodland area where all of the following occur:

1. The growing of trees; and
2. The harvesting of timber, leaves or seeds; and
3. The regeneration of trees by the replanting of trees at the rate of one inch caliper per every 200 square feet of tree disturbing activity area within 220 days of harvesting; and
4. The application of “best management practices,” including the NC Department of Environment, Health and Natural Resources, “Forest Practice Guidelines Related to Water Quality”—Title 15A North Carolina Administrative Code, subchapter 11, sections 1.101—.0209, and all successor documents.
5. A forest management plan is prepared or approved either by a professional forester registered in the State of North Carolina or by the Division of North Carolina Forest Resources. Copies of the forest management plan shall be provided to the City upon request.

Frontage

There are seven frontages, the term includes the following: Parkway (-PK), Detached (-DE), Parking Limited (-PL), Green, Urban Limited (UL), Urban General (-UG) and Shopfront (-SH).

Front Yard Area

The area located between the front line of a building or structure and the front boundary of a lot, or an existing or proposed street right-of-way, and extending along the entire width of the lot.

Full Cutoff Fixture

An outdoor light fixture shielded or constructed in such a manner that it emits no light above the horizontal plane of the fixture.

Future Conditions Flood

The flood having a one percent chance of being equaled or exceeded in any given year based on future conditions hydrology.

Future Conditions Flood Elevation

A determination of the water surface elevations of the one percent annual chance flood based on future conditions hydrology as published in the flood insurance study. This elevation, when combined with two additional vertical feet, establishes the regulatory flood protection elevation in future conditions flood hazard areas.

Future Conditions Flood Hazard Area

The land area that would be inundated by the one percent annual chance flood based on future conditions hydrology as determined in this UDO.

Future Conditions Hydrology

The flood discharges associated with projected land-use conditions based on Raleigh’s zoning maps, or the Comprehensive Plan’s Future Land Use Map or both and without consideration of projected future construction of flood detention structures or projected future hydraulic modifications within a stream or other waterway such as bridge and culvert construction, fill, and excavation. Future conditions flood discharges are published in the flood insurance study.

g

Glare

The effect produced by a light source within the visual field that is sufficiently brighter than the level to which the eyes are adapted, to cause annoyance, discomfort, or loss of visual performance and ability.

Gross Floor Area

The sum in square feet of the gross horizontal area of all floors of the building measured from the exterior walls or from the centerline when two buildings or units abut. Gross floor area includes basement floor area when more than 50% of the basement height is above the established curb level or above the finished lot grade level where the curb level has not been established. Elevator shafts, stairwells, floor space used for mechanical equipment, attics, balconies and mezzanines, enclosed porches, and floor area devoted to accessory uses is included in the calculation of gross floor area. However, the following shall not be included: any space devoted exclusively to on-site parking; or outdoor loading, display, storage, utility service areas; and uninhabited enclosed space on tops of roofs; or attic space having head room of less than 7'-10".

Ground Cover

Any living or nonliving material incorporated in or covering the surface of the soil which controls accelerated erosion and prevents off-site sedimentation in accordance with this chapter.

h**Hazardous Waste Facility**

A facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste, as defined in N.C. Gen. Stat. §130A-290.

High-Quality Waters

Waters classified in title 15A North Carolina Administrative Code chapter 2B section .0101(e)(5) - General Procedures, and amendments thereto, all of which is incorporated by reference.

High-Quality-Water (HQW) Zones

Those areas that are within both one mile and drain to high-quality waters.

Historic Landmark

A building, site or object that has been designated by the City Council as either a historic site, property or landmark.

Household

One or more persons occupying a dwelling unit, provided that unless all members are related by blood, marriage, or adoption, no household shall contain more than four unrelated persons. A household may include five or fewer foster children placed in a family foster home licensed by the State of North Carolina.

i**Impervious Surface**

Any material that significantly reduces and prevents natural infiltration of water into the soil. Impervious surfaces include but are not limited to roofs, patios, balconies, decks, streets, parking areas, driveways, sidewalks, and any concrete, stone, brick, asphalt, or compacted gravel surfaces. The effective impervious coverage for certain surfaces listed below are as follows:

1. Asphalt, concrete, crusher-run gravel, masonry, marl, wood, and other impermeable surfaces that prevent land area from infiltrating stormwater are 100% impervious.
2. Porous surfaces that permit direct infiltration of unconcentrated stormwater into ground areas which are prepared in accordance with plans approved by the Inspections Department of the City so that the first one-half inch of stormwater infiltrates into the ground are 70% through 10% impervious, depending on:
 - a. Compaction;
 - b. Condition of subgrade;
 - c. Extent of land disturbance;
 - d. Extent of porous openings;
 - e. Protection from siltation and clogging;
 - f. Slope of the ground area;
 - g. Volume of stormwater stored.
3. Slatted wood decks that allow the drainage of water through the slats to an unpaved surface below are 50 percent impervious. If the area covered by the deck is washed gravel, the deck is 30 percent impervious.
4. Ungraveled natural footpaths, water surfaces of swimming pools, and

drainfields are zero percent impervious.

5. All other necessary determinations about impervious surfaces will be based on hydrological tests based on existing subgrade soils, slope, rainfall intensity and rainfall duration.

Interior Lot

A lot other than a corner lot.

Internal Illumination

A light source concealed or contained within the sign itself, such as a neon tube, which becomes visible in darkness by shining through a translucent surface.

Internal Refractive Lens

A glass or plastic lens installed between the lamp and the sections of the outer fixture globe or enclosure. Refractive refers to the redirection (bending) of the light as it goes through the lens, softening and spreading the light being distributed from the light source thereby reducing direct glare.

Lake or Natural Watercourses

Any natural or relocated stream, river, brook, swamp, sound, bay, creek, run, branch, canal, waterway, estuary, and any reservoir, lake or pond, natural or impounded, in which sediment may be moved or carried in suspension, and which could be damaged by an accumulation of sediment.

Land-Disturbing Activity

Any use of the land by any person in residential, recreational, industrial, educational, service, institutional, civic, office, or commercial development, highway and road construction and maintenance that results in a change in the natural cover or topography or alters the nature structure of the land mass and that may cause or contribute to sedimentation.

Landfill (debris from on-site)

A demolition landfill that is limited to receiving from the site stumps, limbs, leaves, concrete, brick, wood, uncontaminated earth or other uncontaminated solid waste

from construction activities on the same site.

Light Source

The element of a lighting fixture that is the point of origin of the lumens emitted by the fixture.

Lot Coverage

The amount of net lot area within designated floodway fringe areas future conditions flood hazard areas expressed in terms of a percentage that is covered by any obstruction restricting or displacing the flow of flood waters and any fill added to the lot after May 3, 2006.

Lowest Floor

The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor provided that such enclosure is not constructed so as to render the structure in violation of the applicable non-elevation design requirements of this UDO.

Lumen

A quantitative unit measuring the amount of light emitted by a light source.

m

Manufactured Home

A structure transportable in one or more sections that is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation. Includes mobile homes, park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

Manufactured Home Park

A lot which contains or is intended to contain manufactured home spaces for lease, or unit ownership (condominium) pursuant to N.C. Gen. Stat. Chapter 47C.

Manufactured Home Space

A plot of land within a manufactured home park designed for the accommodation of

a single manufactured home.

Manufactured Home Stands or Pads

That portion of the manufactured home space designed for occupancy by a manufactured home.

Major Access Corridor

A street or highway designed to move large volumes of through traffic from one part of an area to another, and usually aided with federal assistance. These corridors usually have separated grades and a minimum of traffic signals. The following are major access corridors: I-40, I-440, 64 By-pass, U.S. 1, U.S. 70, U.S. 64, and U.S. 401, Wade Avenue between I-440 and I-40, and Northern Wake Expressway.

Maintained Footcandles

Illuminance of lighting fixtures adjusted for a maintenance factor accounting for dirt build-up and lamp output depreciation. The maintenance factor used in the design process to account for this depreciation cannot be lower than 0.72 for high-pressure sodium and 0.64 for metal halide and mercury vapor.

Mean Sea Level

The average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. The term is synonymous with National Geodetic Vertical Datum (NGVD).

Mechanical Equipment

Machines and devices, including HVAC units, fans, vents, generators, and elevator motors, integral to the regular operation of climate control, electrical, and similar building systems.

Medium Base

The size of lamp socket designed to accept a medium or Edison base lamp.

Minor Tree Removal Activity

The lawful removal of a tree, other than a champion tree, and trees protected in either Resource Management District or natural protective yard, which is unrelated to forestry general or to the installation of any driveway, use, structure, facility improvement, site plan or subdivision, is a minor tree removal activity when it meets one or more of the following:

1. Unsafe trees are removed within one year following a natural disaster declared by the State of North Carolina or city of Raleigh such as an ice storm, hurricane or tornado.

2. Fewer than 16 trees with a DBH of three inches or more are lawfully removed from the property within any continuous twelve month period; provided that, the subsequent subdivision of the property, shall not increase the number of trees which can be removed from the property and that no tree 10 inches or greater in DBH is removed if such tree is located:
 - a. Within 50 feet of a right-of-way of any thoroughfare; or
 - b. Within 32 feet of any vacant adjoining property boundary line; or
 - c. Within 65 feet of any other property line or urban forestry.
3. The term “vacant” means that at the time of application for development there is no building or structure or vehicular surface area within 200 feet from the common property line of the property being developed and the adjoining or adjacent property.
4. A certified arborist, certified by the International Society of Arboriculture, or a forester registered by the State of North Carolina, or a landscape architect licensed by the State of North Carolina first certifies in writing to the city that the tree is either unsafe or is unhealthy and applicable soil erosion and sedimentation laws are obeyed.
5. The tree is less than three inches DBH.
6. The tree is damaging an existing improvement on the lot.
7. Lawful removal of trees located on lots of record existing prior to the application of this regulation that are less than two acres in size.

Mixed Use District

The following general use or conditional use zoning districts: Residential Mixed Use (RX)-, Office Park (OP-), Office Mixed Use (OX-), Neighborhood Mixed Use (NX-), Commercial Mixed (CX-), Downtown Mixed Use (DX-) and Industrial Mixed Use (IX-).

Modified Natural Stream

An on-site channelization or relocation of a stream channel and subsequent relocation of the intermittent or perennial flow as evidenced by topographic alterations in the immediate watershed. A modified natural stream must have the typical biological, hydrological, and physical characteristics commonly associated with the continuous conveyance of water.

n

Natural Resource Buffer Yard

Buffer areas that limit land disturbing activities adjacent to fragile environmental areas, which include, but are not limited to, watercourse buffers.

Natural Erosion

The wearing away of the earth's surface by water, wind, or other natural agents under natural environmental conditions undisturbed by man.

New Construction

Structures for which the "start of construction" commenced on or after the effective date of this UDO and includes any subsequent improvements to such structures.

O

Off-Premises Sign

Any sign or structure, pictorial or otherwise, regardless of size or shape that directs attention to a business, commodity, attraction, profession, service or entertainment conducted, sold, offered, manufactured, existing or provided at a location other than the premises where the sign is located or to which it is affixed. Sometimes called non-point-of-sale sign.

Off-Site Stormwater Control Facilities

The overall design, construction and maintenance of one or more devices and measures and associated drainage easements, conduits, inlets, channels, pipes and ditches, level spreaders, filters, buffers, bioretention areas, sand, filters, detention basins, wetlands and ponds necessary to collect, convey, store, and control stormwater runoff and pollutants for more than one lot. Stormwater control facilities serving contiguous properties, a subdivision, or a portion of a subdivision greater than one lot are examples of off-site stormwater control facilities.

One Hundred-Year Storm

The stormwater runoff resulting from a rainfall of an intensity expected to be equaled or exceeded, on the average, once in 100 years, and of a duration which will produce the maximum peak rate of runoff, for the watershed of interest under average antecedent wetness conditions.

On-Premises Sign

Any sign or structure, pictorial or otherwise, regardless of size or shape that directs attention to a business, profession, commodity, attraction, service, or

entertainment conducted, offered, sold, manufactured, existing, or provided at a location on the premises where the sign is located or to which it is affixed. A sign that identifies both an on-premises subsidiary and an off-premises parent company is an off-premises sign.

On-Site Stormwater Control Facilities

The overall design, construction and maintenance of one or more devices and measures and associated drainage easement, conduits, inlets, channels pipes, ditches, level spreaders, filters, buffers, bioretention areas, sand, filters, detention basins, wetlands and ponds, necessary to collect, convey, store, and control stormwater runoff and pollutants within and for a single lot.

Open Fence or Wall

A fence or wall through which clear vision is possible from one side to the other for 75% or more of the structure, as viewed on a horizontal plane.

Open Space Area

Primarily vegetated areas where development is restricted and no additional impervious surface may be placed without first obtaining a permit from the city. The following are open space areas: greenways and public parks, natural protective yards set forth in conditional use zoning districts, and permanently protected undisturbed open space areas.

Outdoor Advertising Sign

Any off-premises, off-site, poster panel, billboard, or non-point-of-sale sign.

Outdoor Mobile Vending Cart

A non-motorized cart with wheels that is temporarily stored on a premise where goods or merchandise are sold to the general public.

p

Parapet Wall

That portion of any building wall that rises above the level of the roof line.

Pedestrian Area

Phase of Grading

One of two types of grading, rough or fine.

Play Courts

Recreation facilities that operate and use a court such as tennis, basketball, handball, squash, croquet, shuffleboard, volleyball and racquetball courts and clubs.

Play Fields

Areas in which field games are played and that contain less than 250 seats. Play fields include: baseball, field hockey, football, lacrosse, soccer, softball and open play areas.

Pre-Development Conditions

The land use, drainage, and impervious surface conditions existing on the site at the time plans are submitted for approval, including any previously approved development plans for the site which has not sunsetted, projects which have an outstanding valid building permit in compliance with N.C. Gen. Stat. §160A-418 and §160A-422 or §153A-358 and §153A-362, and projects that have obtained a state permit such as landfills, land application of residuals on the site.

Post-Development Conditions

Pre-development conditions together with the land use, drainage and impervious conditions that would exist on the site if all proposed development plans for the site are fully completed.

Premises

The term premises is interchangeable with the term lot.

Principal Arterial

Principal arterials are comprised of limited-access freeways, expressway and gateway arterials. Principal arterials are the same roads as major access corridors.

Principal Building or Use

The building, structure or land that contains the primary function or activity on a lot.

Project

A site under unified control for the purposes of development.

R

Raleigh Stormwater Control and Watercourse Buffer Manual

A manual adopted by the City Council by reference, as fully as though set forth in this UDO that includes plan and data submission requirements, presents design

procedures and criteria for conducting natural, hydrologic and hydraulic evaluations, best management practice designs, regulations for riparian surface water buffers, standards for managing the volume and quality of stormwater runoff and standards for maintenance.

Receiving Watercourse

A lake, natural watercourse, or other natural or man-made area into which stormwater runoff flows from a land-disturbing activity site.

Recyclable Material

Reusable material, including, but not limited to, metals (including vehicles which have been crushed off-site), glass, rubber (including tires), plastic, paper and scrap, which is intended for reuse or reconstitution for the purpose of using the altered form. Recyclable material shall not include hazardous materials and wastes (as defined in 40 CFR 261.3 to 261.33, or as the same may be amended by law), garbage, biodegradable refuse such as food, medical wastes, or other similar materials, and wrecked, dismantled, or partially dismantled automobiles.

Regional Stormwater Control Facilities

The overall design, construction and maintenance of measures and devices and associated drainage easement, conduits, inlets, channels, pipes, ditches, filters, buffers, bioretention areas, and ponds, necessary to collect, convey, store, and control stormwater runoff and pollutants within or outside a development and for one or more developments, as shown on the stormwater control master plans approved by the State of North Carolina.

Regulatory Flood Protection Elevation

The elevation to which structures and uses within floodway fringe areas and future conditions flood hazard areas are required to be elevated or floodproofed. Within areas which have approved engineered flood studies, such as the FEMA flood insurance study, and floodway fringe areas, this elevation will be the “without floodway” base flood elevation plus two additional vertical feet. Base flood elevations are shown in the flood insurance study for Wake County, Volumes 1 through 7. Within future conditions flood hazard area, this elevation will be the future conditions flood elevation plus two additional vertical feet. Future conditions flood elevations are shown in the flood insurance study for Wake County, Volumes 1 through 7. For flood hazard soil areas and for areas without established flood elevations within watercourses, which drain one square mile or more, this elevation is the topographic contour lying five vertical feet from the outermost boundaries

of either the flood hazard soils or the made land, which traverse such soils. The regulatory flood protection elevation for flood hazard soil areas and for areas without established flood elevations within watercourses which drain less than one square mile is the elevation of the outermost boundaries of either the flood hazard soils or the made land which traverse such soils plus two additional vertical feet; or as determined from a flood hazard soil interpretation. The regulatory flood protection elevation shall be the base flood elevation established on the drainage basin study maps plus two additional vertical feet.

Residential District

The following general use and conditional use zoning districts: Residential-1 (R-1), Residential-2 (R-2) Residential-4 (R-4), Residential-6 (R-6), Residential-10 (R-10). Includes Manufactured Home Park (R-MP).

Restaurant

An establishment with gross receipts from food and nonalcoholic beverages of not less than 30 percent of the total gross receipts from food, nonalcoholic beverages, and alcoholic beverages.

Resource Management District

The following general use, conditional use zoning and overlay zoning districts: Conservation Management (CM), Metro-Park Protection Overlay District (-MPOD), Special Highway Overlay District-1 (-SHOD-1) and Special Highway Overlay District-2 (-SHOD-2).

Riparian Surface Water

Actual surface water that is shown as a feature on either the most recent version of (a) the soil survey map prepared by the Natural Resources Conservation Services of the United States Department of Agriculture or (b) the most recent version of the 1:24,000 scale (7.5 minute) quadrangle topographic maps prepared by the United States Geologic Survey (USGS) except for the following surface waters:

1. Man-made channels, such as ditches and canals, other than a modified natural stream.
2. Man-made ponds and lakes that are located outside natural drainage ways.
3. Ephemeral (stormwater) streams.

Rooming Unit

Any room or group of rooms forming a single habitable unit used for living and

sleeping, but not for cooking or eating purposes.

S

Sadomasochism Center

Any for profit establishment wherein the practice of flagellation, torture or fettering is used or administered to an individual either by an employee of the establishment or a patron of the establishment.

Salvage Yard

Salvage yard means any non-residential property used for the storage, collection, and/or recycling of any type of equipment, and including but not limited to vehicles, appliances and related machinery.

Sediment

Solid particulate matter, both mineral and organic, that has been or is being transported by water, wind, gravity, or ice from its point of origin.

Sedimentation

The process by which sediment resulting from accelerated erosion has been or is being transported off the site of the land-disturbing activity or into a lake or natural watercourse.

Shade Tree

An evergreen or deciduous tree whose mature height can be expected to exceed 35 feet and which has an expected crown spread of 30 feet or more or is considered a shade tree in accordance with "American Standards of Nursery Stock", set forth by the American Association of Nurserymen.

Sign

Any temporary or permanent identification, description, animation, illustration, or device, illuminated or nonilluminated, which is visible from any right-of-way and which directs attention to any realty, product, service, place, activity, person, institution, performance, commodity, firm, business or solicitation, including any permanently installed or situated merchandise or any emblem, painting, banner, poster, bulletin board, pennant, placard or temporary sign designed to identify or convey information.

Siltation

The sediment resulting from accelerated erosion which is settleable or removeable by properly designed, constructed, and maintained control measures; and which has been transported from its point of origin within the site of a land-disturbing activity; and which has been deposited, or is in suspension in water.

Solid Fence or Wall

A solid fence or wall that is not an open wall or open fence.

Solid Waste Disposal Facility

Any facility involved in the disposal of solid waste, as defined in N.C. Gen. Stat. §130A-290(a)(35).

Special District

The following general use and conditional use zoning districts: Conservation Management (CM), Agricultural Productive (AP), Heavy Industrial (IH), Manufactured Home Park (R-MP) and Campus (CMP).

Start of Construction

Includes “substantial improvement” and means the date the building permit was issued, provided, the actual “start of construction,” repair, reconstruction, rehabilitation, addition, placement, or other improvement was made within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a “manufactured home” on a foundation. For a substantial improvement, the actual start of construction means the first alteration of any load-bearing wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Stormwater Control Facilities

Off-site stormwater control facilities, on-site stormwater control facilities, regional stormwater control facilities, or any combination of.

Stormwater Control Master Plan

A conceptual plan approved by the City Council, which establishes stormwater

control policies and recommendations for an entire watershed or region as an alternative to individual site specific stormwater control plans.

Storm Drainage Facilities

The man-made system of inlets, conduits, channels, ditches or other such facilities and appurtenances which collect and convey stormwater.

Stormwater Runoff

Runoff of water resulting from precipitation in any form.

Street Protective Yard

A landscaped protective yard adjacent to a street right-of-way.

Streetscape Plan

Structural Flooding

Crawlspace, finish floor, garage, and basement flooding caused by concentrated stormwater flows and not groundwater infiltration. Structural flooding also includes sheds and outbuildings on a permanent, enclosed foundation that cannot be easily moved. Sheds and outbuildings not on permanent, enclosed foundations, or that can be easily moved, and where moving the structure is the least cost alternative to prevent flood damage to the structure, are not defined as having structural flooding. Structural flooding does not include those portions of residential and commercial structures located in a floodplain area and designed and constructed to flood or a commercial structure that has a City approved floodproofing plan.

Substantial Damage

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed the 50% of the estimated market value of the structure before the damage occurred.

Substantial Improvement

Any reconstruction, repair, rehabilitation, addition, or other improvement of a structure, the cost of which over a five-year period singularly or collectively equals or exceeds 50% of the market value of the structure before the “start of construction” of the substantial improvement. This term includes structures which have incurred “substantial damage,” regardless of the actual amount of repair work performed. The term does not include either any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety

code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.

Sustainable Energy Systems

On-site renewable energy generation technologies such as a solar array, solar collection system, wind energy system, or geothermal energy system.

t

Ten-Year Storm

The stormwater runoff resulting from a rainfall of an intensity expected to be equaled or exceeded, on the average, once in 10 years, and of a duration which will produce the maximum peak rate of runoff, for the watershed of interest under average antecedent wetness conditions.

Thoroughfare

A street delineated as a major thoroughfare or a minor thoroughfare on the Comprehensive Plan, or a major access corridor. Major thoroughfares include: (1) principal arterials, which are either gateways, freeways, or expressways; (2) secondary arterials; or (3) other major thoroughfares.

Tree Disturbing Activity

Any activity that results in one or more of the following:

1. The movement of earth, compaction of earth, chemical or physical alteration of earth, or a change in the existing soil cover (both vegetative and non vegetative) and/or the existing soil topography in the critical root zone of a tree, including but not limited to: chemical application; clearing, grading, filling, and excavation; stabilization of structures; and road or walkway construction
2. Chemical or physical alteration of a tree in any way that diminishes its health and vigor, including but not limited to removal, cutting, root pruning, branch pruning, topping, bark scraping, and application of chemical or biological agents.
3. The placement within the critical root zone of any permanent or temporary encroachment, including but not limited to: application of impervious surfaces; storage of equipment, materials, or earth; parking or circulation of vehicles or equipment.

Twenty Five-Year Storm

The stormwater runoff resulting from a rainfall of an intensity expected to be

equaled or exceeded, on the average, once in 25 years, and of a duration which will produce the maximum peak rate of runoff, from the watershed of interest under average antecedent wetness conditions.

Two-Year Storm

The stormwater runoff resulting from a rainfall of an intensity expected to be equaled or exceeded, on the average, once in two years, and of a duration which will produce the maximum peak rate of runoff, for the watershed of interest under average antecedent wetness conditions.

u

Uncovered

The removal of ground cover from, on, or above the soil surface.

Understory Tree

An evergreen or deciduous tree whose mature height can be expected to range between 15 feet and 35 feet and which has an expected crown spread range between 15 feet and 25 feet as determined by the latest edition of "American Standards of Nursery Stock" as set forth by the American Association of Nurserymen.

Undisturbed Area

An area free of any tree disturbing activity except the planting of required landscaping and plantings required by conditional use zoning requirements.

Unhealthy

A plant or tree is unhealthy when it meets any one or more of the following:

1. Its foliage and bark have a form and color that is not characteristic of the species similarly located within the city.
2. Its twig elongation is dissimilar to that of others of the same species and size similarly located within the city.
3. It is not free from infestation of insects and detrimental diseases.
4. More than 10% of its trunk circumference dies in any one calendar year.
5. More than 30% of its crown dies or is lost in any one calendar year.
6. It no longer screens, filters, or shades the area for which it was installed.

Unity of Development

The visual and functional integration of buildings within a development or area.

Urban Frontage

The following frontages: Parking Limited (-PL), Green, Urban Limited (UL), Urban General (-UG) and Shopfront (-SH).

Utility Service Area

An area which contains any utility box, booster box, switching station, transformer, pedestal, or backflow preventor or similar above-grade device used to serve underground utilities.

V

Vehicular Canopy

A roofed, open, drive-through structure designed to provide temporary shelter for vehicles and their occupants while making use of a business' services.

Vehicular Display Area

Vehicular Surface Area

An area where motor vehicles are either stored or driven, including private driveways and private streets, parking lots, vehicular display lots, rental lots, and depots, but it does not include parking buildings or areas which are used exclusively as loading areas and service areas.

Velocity

The average velocity of flow through the cross-section of the main channel at the peak flow of the storm of interest. The cross-section of the main channel, if any, shall be that area defined by the geometry of the channel plus the area of flow below the flood height defined by vertical lines at the main channel banks. Overbank flows are not to be included for the purpose of computing velocity of flow.

W

Wall Pack

A type of light fixture typically flush-mounted on a vertical wall surface.

Wall Plate

Wide-Body Refractive Globe

A translucent lamp enclosure used with some outdoor fixtures to provide a decorative look (including but not limited to acorn- and carriage light-style fixtures).

"Wide-body" refers to a wider than average size globe (greater than 15.75 inches in diameter). "Refractive" refers to the redirection (bending) of the light as it goes through the lens, rendering the light fixture more effective. Wide-body refractive globes are intended to soften and spread the light being distributed from the light source thereby reducing direct glare.

HOUSING CODE DEFINITIONS

- A. Agent shall mean any person, firm or corporation who is responsible for the management, maintenance, operation, renting, leasing or sale of any property, or who makes application for or seeks a permit or certificate on behalf of the owner of any property or who in any other way represents the owner or the property in any particular case.
- B. Basement shall mean a portion of a building which is located partly underground, having direct access to light and air from windows located above the level of the adjoining ground.
- C. Cellar shall mean a portion of a building located partly or wholly underground having an inadequate access to light and air from windows located partly or wholly below the level of the adjoining ground.
- D. Dwelling shall mean any building, structure, manufactured home, mobile home, or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith, except that it does not include any temporary housing as hereinafter defined.
- E. Duplex shall mean a structure containing two complete and separate dwelling units with a common wall or ceiling and under one roof.
- F. Dwelling unit shall mean one or more rooms physically arranged as to create an independent housekeeping establishment with separate facilities for cooking, sleeping, and toilet.
- G. Equivalent dwelling unit. For purposes of computing the means of egress required by this chapter, the following shall be considered equivalent to a dwelling unit: Any room or rooms not provided with cooking facilities and occupied by four persons within a rooming house, fraternity, sorority, rest home, or any dwelling however styled.
- H. Extermination shall mean the control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping or by any other recognized and legal pest elimination methods approved by the inspector.
- I. Family shall mean an individual or two or more persons related by blood to the third degree lineally or the fourth degree collaterally, marriage, or adoption living together in a dwelling unit; or a group of not more than four persons, one or more of whom is not related by blood as described above, marriage, or adoption to the other. A family may include five or fewer foster children placed in a family foster home licensed by the State of North Carolina.
- J. Garbage shall mean the animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.
- K. Habitable room shall mean a room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet compartments, laundries, heater rooms, foyers or communicating corridors, closets and storage spaces.
- L. Infestation shall mean the presence, within or around a dwelling, of any insects, rodents or other pests in such numbers as to constitute a menace to the health, safety or welfare of the occupants or to the public.
- M. Inspector shall mean the Inspections Director or his authorized inspectors. In addition to the powers and responsibilities granted in this article, the Inspections Director or his designee shall exercise the powers and responsibilities given to "public officer" in G.S. 160A-441 et seq.
- N. Meaning of certain words. Whenever the words "dwelling, dwelling unit, rooming house, rooming unit, premises" are used in this chapter, they shall be construed as though they were followed by the words "or any part thereof."
- O. Multiple dwelling shall mean any dwelling containing more than two dwelling units.
- P. Occupant shall mean any person, regardless of age, living, sleeping, cooking or eating in, or having actual possession of a dwelling unit or rooming unit.
- Q. Operator shall mean any person who has charge, care or control of a building, or part thereof, in which dwelling units or rooming units are let.
- R. Owner shall mean any person who alone, or jointly, or severally with others:
- S. Shall have title to any dwelling or dwelling unit, with or without accompanying actual possession thereof; or
- T. Shall have charge, care or control of any dwelling or dwelling unit, as owner or agent of the owner, or as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this chapter, and of rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.

- U. Plumbing shall mean and include all of the following supplied facilities and equipment: Gas pipes, gas burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents and any other similar supply fixtures, together with all connections to water, sewer or gas lines.
- V. Rooming house or lodging house or tourist home. A type of equivalent dwelling located in a dwelling which contains rooms without cooking facilities that are rented to the general public as a whole to more than four persons.
- W. Rooming unit shall mean any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.
- X. Rubbish shall mean combustible and noncombustible waste materials, except garbage and ashes, and the term shall include paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, and dust.
- Y. Supplied shall mean paid for, furnished or provided by, or under the control of, the owner or operator.
- Z. Temporary housing shall mean any tent, trailer or other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure, or to any utilities system on the same premises for more than 30 consecutive days.
- AA. Unfit for human habitation shall mean that conditions exist in a dwelling, dwelling unit, rooming house or rooming unit which violate or do not comply with one or more of the minimum standards of fitness or one or more of the requirements established by this article.

